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13 Attorneys for Defendants  
BGI AMERICAS CORP., MGI TECH CO., LTD.,  
14 MGI AMERICAS, INC., and COMPLETE  
GENOMICS, INC.  
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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION  
19

20 ILLUMINA, INC.,  
ILLUMINA CAMBRIDGE LTD.,

21 Plaintiffs,

22 v.

23 BGI GENOMICS CO., LTD., BGI  
24 AMERICAS CORP., MGI TECH CO.,  
LTD., MGI AMERICAS, INC. and  
25 COMPLETE GENOMICS, INC.

26 Defendants.  
27  
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Case No. 3:19-cv-03770-WHO

**JOINT STIPULATION AND ORDER TO  
EXTEND TIME FOR DEFENDANTS TO  
RESPOND TO PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

1 Pursuant to Northern District of California Local Rules 6-1(b), 6-2, and 7-12 Defendants  
2 BGI Americas Corp., MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.  
3 (“Defendants”)<sup>1</sup> and Illumina, Inc. and Illumina Cambridge Ltd. (“Plaintiffs”) (collectively, “the  
4 Parties”) jointly stipulate to extend the time for Defendants to file an opposition brief in response to  
5 Plaintiffs’ Motion for Preliminary Injunction (“Motion”) (D.N. 85).

6 WHEREAS, Defendants currently have until March 4, 2020, to respond to the Motion;

7 WHEREAS, Defendants have requested an eight-week extension, until April 29, 2020, to file  
8 their opposition to the Motion and contend that an extension of time is necessary to permit sufficient  
9 time for: (a) Illumina to respond to Defendants’ previously served Requests for Production  
10 (“RFPs”) that are relevant to the Motion (including, but not limited to, RFPs 6-8, 15-20, 25-34, and  
11 36-40); (b) Defendants to serve and Illumina to respond to a small number of additional discovery  
12 requests; (c) disclosure of additional experts and time for Illumina to oppose their access to  
13 confidential information; (d) preparation of expert declarations; (e) depositions of Illumina’s  
14 declarants and potentially other individuals identified in the discovery process; and (f) to complete  
15 the claim construction process prior the filing of the opposition;

16 WHEREAS, by entering into this agreement Plaintiffs are not agreeing that the additional  
17 time is necessary nor that the above-referenced activity with experts, discovery and claim  
18 construction is warranted;

19 WHEREAS, Plaintiffs agree to the requested extension of time for Defendants to file an  
20 opposition to the Motion on the condition that Defendants agree to refrain from transferring or  
21 distributing sequencing reagent kits containing the currently accused fluorescently labeled  
22 nucleotides to third parties in the United States until the Court resolves the Motion and on the  
23 condition that this agreement will not be used to argue or suggest that Illumina has acquiesced at all  
24 to any of Defendants’ commercial activity;

25 WHEREAS, there has been one previous extension to a deadline; the Court permitted  
26 Defendants additional time to respond to the Complaint (D.N. 17); and

27 <sup>1</sup> BGI Genomics Co., Ltd. has not been served with the Complaint in this action, and therefore takes  
28 no part in this filing.

1 WHEREAS, the additional time to respond to the Motion will not alter the date of any event  
2 or any deadline already fixed by Court order.

3 Now therefore, the Parties, through the undersigned counsel, hereby stipulate as follows:

- 4 1. The deadline for filing an opposition to Plaintiffs' Motion be extended to April 29, 2020;  
5 2. Defendants shall refrain from transferring or distributing sequencing reagent kits  
6 containing the currently accused fluorescently labeled nucleotides to third parties in the United  
7 States until the Court resolves the Motion;  
8 3. The hearing date for the Motion of March 25, 2020 shall be vacated;  
9 4. No later than 3 days after Defendants file their opposition to the Motion, the Parties shall  
10 meet and confer and file a proposed date for Plaintiffs' to file a reply brief and a proposed hearing  
11 date, subject to the convenience of the Court.

12  
13 IT IS SO STIPULATED.

14 Dated: February 21, 2020

ARNOLD & PORTER KAYE SCHOLER LLP

16 By: /s/ Katie J.L. Scott

17 Katie J.L. Scott

18 Attorney for Defendants  
19 BGI AMERICAS CORP., MGI TECH CO.,  
20 LTD., MGI AMERICAS, INC., AND  
COMPLETE GENOMICS INC.

21 Dated: February 21, 2020

WEIL GOTSHAL & MANGES LLP

22 By: /s/ Edward R. Reines

23 Edward R. Reines

24 Attorney for Plaintiffs  
25 ILLUMINA, INC. AND ILLUMINA  
26 CAMBRIDGE LTD.

1 **ECF ATTESTATION:** Pursuant to Local Rule 5-1(i)(3) I hereby attest that concurrence in the  
2 filing of this document has been obtained from the signatory for Plaintiffs.  
3

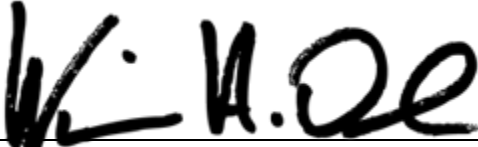
4 Dated: February 21, 2020

By: /s/ Katie J.L. Scott

Katie J.L. Scott

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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10  
11 Dated: February 25, 2020



WILLIAM H. ORRICK

United States District Court Judge